



January 29, 2016

HOUSE BILL No. 1386

DIGEST OF HB 1386 (Updated January 28, 2016 9:56 am - DI 107)

Citations Affected: IC 7.1-2; IC 7.1-3; IC 7.1-4; IC 7.1-5; IC 34-30.

Synopsis: Various alcohol and tobacco matters. Allows, if certain conditions are met, the holder of a retailer permit that is issued for the premises of a hotel that is owned by an accredited college or university to sell or dispense, for on premise consumption only, alcoholic beverages from a: (1) nonpermanent bar that is located on; or (2) service window located on the licensed premises that opens to; an outside area or terrace that is contiguous to the main building of the licensed premises of the hotel. Allows the refilling of a bottle or container with a product from a farm winter. Allows an artisan distiller, with the approval of the alcohol and tobacco commission (commission), to participate in a trade show or an exposition for not more than 45 days in a calendar year. Clarifies that the holders of artisan distiller's permits, microbrewer permits, and farm winery permits may participate with one another in a trade show or exposition at which products of each permit holder are displayed, promoted, or sold. Provides for a temporary liquor permit, and establishes requirements and fees regarding the permit. Adds violations of certain tobacco and cigarette laws to the list of laws for which the commission may investigate and enforce penalties. Allow the commission to: (1) investigate; (2) enforce penalties; and (3) suspend or revoke tobacco sales certificates for failing to pay a civil penalty; if a certificate holder sells or distributes tobacco products or electronic cigarettes at a location determined to be a public nuisance or at which conduct or acts that are prohibited under IC 35 occur. Allows an alcoholic beverage
(Continued next page)

Effective: Upon passage; July 1, 2016.

Dermody, GiaQuinta

January 13, 2016, read first time and referred to Committee on Public Policy.
January 28, 2016, amended, reported — Do Pass.

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permittee (permittee) or employee of the permittee to retain a driver's license, identification card, or government issued document (ID card) that is provided as proof of age for making an alcoholic beverage purchase, if the permittee has: (1) received alcohol server training; and (2) a reasonable belief that the ID card has been altered, falsified, or was not issued to the person who provided the card. Establishes requirements concerning retaining an ID card. Provides that the permittee is immune from civil or criminal liability for retaining an ID card, unless the permittee obtains the ID card by using force against the person. Allows the commission to issue, if certain conditions are met, a temporary beer permit for a festival or event to a person who has held a brewer's permit for a microbrewery for at least three years and meets other requirements. Amends the definition of hotel, for purposes of the alcoholic and tobacco laws, to allow the hotel to have at least 25 separate sleeping rooms under separate roofs if certain conditions are met. (Current law defines a hotel as having at least 25 separate sleeping rooms under one continuous roof.) Requires a person who sells or furnishes liquor under a temporary liquor permit for the sale of liquor in certain town parks to: (1) have an employee permit that authorizes the person to perform bartending duties; and (2) have completed an alcohol server program. Removes the prohibition on beer dealers selling and delivering beer on the street or the curb outside licensed premises.



January 29, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1386

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-2-3-33 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 33. The commission is
3 authorized to:
4 (1) investigate a violation of; and
5 (2) enforce a penalty for a violation of;
6 IC 35-46-1-10, IC 35-46-1-10.2, **IC 35-46-1-11, IC 35-46-1-11.2,**
7 **IC 35-46-1-11.5, or IC 35-46-1-11.7, or IC 35-46-1-11.8.**
8 SECTION 2. IC 7.1-3-2-7, AS AMENDED BY P.L.144-2015,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2016]: Sec. 7. The holder of a brewer's permit or an
11 out-of-state brewer holding either a primary source of supply permit or
12 an out-of-state brewer's permit may do the following:
13 (1) Manufacture beer.
14 (2) Place beer in containers or bottles.
15 (3) Transport beer.

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(4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.

(5) If the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may do the following:

(A) Sell and deliver a total of not more than thirty thousand (30,000) barrels of beer in a calendar year to a person holding a retailer or a dealer permit under this title. The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.

(B) Be the proprietor of a restaurant.

(C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).

(D) Transfer beer directly from the brewery to the restaurant by means of:

(i) bulk containers; or

(ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must make food available for consumption on the premises. A brewer may comply with the requirements of this clause by doing any of the following:

(i) Allowing a vehicle of transportation that is a food establishment (as defined in IC 16-18-2-137) to serve food near the brewer's licensed premises.

(ii) Placing menus in the brewer's premises of restaurants that will deliver food to the brewery.

(iii) Providing food prepared at the brewery.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.



(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

(J) With the approval of the commission, participate:

(i) individually; or

(ii) with other permit holders under this chapter, **including the holder of an artisan distiller's permit and the holder of a farm winery permit;**

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(K) Store or condition beer in a secure building that is:

(i) separate from the brewery; and

(ii) owned or leased by the permit holder.

A brewer may not sell or transfer beer directly to a permittee or consumer from a building described in this clause.

(6) If the brewer's brewery manufactures more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:

(A) is located in the same county as the brewer's brewery;

(B) manufactures less than ninety thousand (90,000) barrels of beer in a calendar year; and

(C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Provide complimentary samples of beer that are:

(A) produced by the brewer; and

(B) offered to consumers for consumption on the brewer's premises.

(8) Own a portion of the corporate stock of a sports corporation that:

(A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and

(B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.



(9) For beer described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the beer on the licensed premises; and

(B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 3. IC 7.1-3-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The holder of a beer dealer's permit shall be entitled to purchase beer for sale under the permit only from a permittee entitled to sell to a beer dealer under this title.

(b) A beer dealer shall be entitled to possess beer and sell it at retail to a customer in permissible containers only.

(c) A beer dealer may not sell beer by the drink nor for consumption on the licensed premises nor shall a beer dealer allow it to be consumed on the licensed premises.

(d) Except as provided in subsection (e), a beer dealer shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's residence or office. A beer dealer shall not be entitled to ~~sell and deliver beer on the street or at the curb outside the licensed premises; nor shall a beer dealer be entitled~~ to sell beer at a place other than the licensed premises. A beer dealer shall not be entitled to sell beer and deliver beer for carry-out, or for delivery to a customer's residence or office, in a quantity that exceeds eight hundred sixty-four (864) ounces in a single transaction. However, notwithstanding IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer for carry-out, or for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(e) Unless a beer dealer is a grocery store or drug store, a beer dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a patron who is outside the licensed premises.

SECTION 4. IC 7.1-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. ~~Persons Eligible for~~



Permits. The commission may issue a temporary beer permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in ~~IC 1971, 7.1-3-4-2(c); (h), and (m);~~ **IC 7.1-3-4-2(a)(3), IC 7.1-3-4-2(a)(8), and IC 7.1-3-4-2(a)(13)**, and the residency requirements provided in ~~IC 1971, IC 7.1-3-21-3,~~ shall not apply to an applicant for a temporary beer permit.

SECTION 5. IC 7.1-3-6-3.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.6. (a) This section applies to a temporary beer permit for the sale of beer in a town park in a town having a population of less than ten thousand (10,000).

(b) The commission may not issue a temporary beer permit to a person unless:

(1) the person meets all of the requirements for a temporary beer permit under: ~~this chapter~~

(A) sections 1 through 3 of this chapter; or

(B) section 3.8 of this chapter; and

(2) the town council:

(A) holds a public hearing on the request for a permit; and

(B) approves the issuance of the temporary beer permit.

(c) If a person asks a town council to approve the issuance of a temporary beer permit, the town clerk-treasurer shall notify the commission of the town council's decision to approve or disapprove the permit not later than thirty (30) days after the person's request for approval.

(d) If a person who applies for a temporary beer permit from the commission demonstrates to the satisfaction of the commission that no action was taken on the person's request by the town council under subsection (c), the commission shall consider the request to be approved by the town council.

SECTION 6. IC 7.1-3-6-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.8. (a) Notwithstanding any other provision in this chapter, the commission may issue a temporary beer permit if all the following apply:**

(1) The temporary beer permit is issued for a festival or event that meets all the following:

(A) The festival or event promotes, at least in part, beer manufactured at a brewery described in IC 7.1-3-2-7(5).

(B) The anticipated attendance of the festival or event is at



1 least seven thousand five hundred (7,500) people.

2 (C) Adequate security measures will be provided at the
3 festival or event.

4 (D) Individuals less than twenty-one (21) years of age will
5 not be allowed to attend the festival or event.

6 (2) The applicant for the temporary beer permit:

7 (A) has held a brewer's permit for a brewery described in
8 IC 7.1-3-2-7(5) for at least three (3) years; and

9 (B) pays an application fee to the commission of two
10 thousand five hundred dollars (\$2,500).

11 (b) The commission may issue a temporary beer permit only for
12 an area at a festival or event that is enclosed by fencing,
13 barricades, or structures. The area may be an outside area that is
14 contiguous to a brewery described in IC 7.1-3-2-7(5) or restaurant
15 or at another location that is not on or near the premises of a
16 brewery or restaurant.

17 (c) The commission may issue a temporary beer permit under
18 this section for a term, up to and including, three (3) days from its
19 issuance.

20 (d) The commission may not issue a temporary beer permit
21 under this section to any one (1) person more than two (2) times in
22 a calendar year.

23 (e) Notwithstanding any other provision of this title, the holder
24 of the temporary beer permit may allow an individual who attends
25 the festival or event to carry beer, in a quantity that does not
26 exceed a total of two hundred eighty-eight (288) ounces, into the
27 permitted area. Beer carried in to a festival or event under this
28 subsection may be consumed or traded only in the permitted area.

29 (f) An individual who attends the festival or event may carry out
30 beer in sealed, unopened containers from the temporary beer
31 permit area.

32 SECTION 7. IC 7.1-3-8-3, AS AMENDED BY P.L.153-2015,
33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2016]: Sec. 3. (a) The holder of a liquor wholesaler's permit
35 shall be entitled to sell liquor at wholesale.

36 (b) A liquor wholesaler shall be entitled to purchase liquor within
37 this state from a person who holds an artisan distiller's permit, a
38 distiller's permit, a rectifier's permit, or a liquor wholesaler's permit. A
39 liquor wholesaler also may purchase liquor outside this state from the
40 primary source of supply and, from that source, may transport and
41 import liquor into this state.

42 (c) A liquor wholesaler may sell, transport, and deliver liquor only



to a person who, under this title, holds a:

- (1) liquor retailer's permit;
- (2) supplemental caterer's permit;
- (3) liquor dealer's permit; ~~or~~
- (4) liquor wholesaler's permit; **or**
- (5) temporary liquor permit.**

A liquor wholesaler may sell, donate, transport, and deliver liquor to a qualified organization for an allowable event to which IC 7.1-3-6.1 applies or charity auction to which IC 7.1-3-6.2 applies. The sale, transportation, donation to a qualified organization, and delivery of liquor shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery, and only in permissible containers and is subject to the rules of the commission fixing the quantity which may be sold or delivered at any one (1) time.

(d) A liquor wholesaler's bona fide regular employees may purchase liquor from the wholesaler in an amount not to exceed eighteen (18) liters.

SECTION 8. IC 7.1-3-11-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11. (a) Subject to section 13 of this chapter, the commission may issue a temporary liquor permit without publication of notice or investigation before a local board to a qualified person as provided in this chapter. In all other respects, a temporary liquor permit shall be issued, revoked, and governed by the restrictions and limitations made in a provisional order or rule or regulation of the commission.**

(b) The commission shall issue a temporary liquor permit to an applicant if:

- (1) the applicant submits an application for a temporary liquor permit to the commission not later than five (5) business days before the event for which the permit is requested; and**
- (2) the applicant meets all requirements for a temporary liquor permit.**

(c) If authorized by the chairman or the chairman's designee, and at the commission's discretion, a temporary liquor permit may be issued to an applicant that:

- (1) submits an application for the temporary liquor permit to the commission not later than five (5) business days before the event for which the temporary liquor permit is requested; and**
- (2) meets all requirements for a temporary liquor permit.**



SECTION 9. IC 7.1-3-11-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12. The commission may issue a temporary liquor permit only to a person who is qualified to hold a beer retailer's permit and who has other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in IC 7.1-3-4-2(a)(3), IC 7.1-3-4-2(a)(8), and IC 7.1-3-4-2(a)(13), and the residency requirements provided in IC 7.1-3-21-3, do not apply to an applicant for a temporary liquor permit.**

SECTION 10. IC 7.1-3-11-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. (a) This section applies to a temporary liquor permit for the sale of liquor in a town park in a town having a population of less than ten thousand (10,000).**

(b) The commission may not issue a temporary liquor permit to a person unless:

(1) the person meets all the requirements for a temporary liquor permit under this chapter; and

(2) the town council:

(A) holds a public hearing on the request for a permit; and

(B) approves the issuance of the temporary liquor permit.

(c) If a person asks a town council to approve the issuance of a temporary liquor permit, the town clerk-treasurer shall notify the commission of the town council's decision to approve or disapprove the permit not later than thirty (30) days after the person's request for approval.

(d) If a person who applies for a temporary liquor permit from the commission demonstrates to the satisfaction of the commission that no action was taken on the person's request by the town council under subsection (c), the commission shall consider the request to be approved by the town council.

(e) Any person who sells or furnishes liquor under a temporary liquor permit issued under this section:

(1) shall have an employee permit under IC 7.1-3-18-9 that authorizes the person to perform bartending duties;

(2) shall have completed any alcohol server program or alcohol server training program refresher courses required under IC 7.1-3-1.5; and

(3) may not have any violations under this title.

SECTION 11. IC 7.1-3-11-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2016]: **Sec. 14. The commission may issue a temporary liquor permit only to:**

- (1) enable a fair, athletic event, barbecue, picnic, wedding reception, convention, exhibition, spectacle, or contest to be publicly held and carried on; or
- (2) accommodate the institutional activities of an association, society, charitable or benevolent organization, or a branch of one (1) of these, or both.

SECTION 12. IC 7.1-3-11-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. The commission may issue a temporary liquor permit for a term, up to and including, fifteen (15) days from its issuance. However, if an emergency exists, in the judgment of the commission, a temporary liquor permit may be renewed for a period not to exceed fifteen (15) additional days.**

SECTION 13. IC 7.1-3-11-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 16. The holder of a temporary liquor permit is entitled to purchase and receive liquor on any day of the year, only from a lawful supplier under this title at their respective places of business. A lawful supplier may sell and deliver liquor to a temporary liquor permit holder on any day of the year at the location for which the temporary liquor permit is issued. Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a temporary liquor permit is entitled to sell liquor only for consumption on the licensed premises, and is subject to the same restrictions as apply to the sale of beer by the holder of a temporary beer permit. Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, a temporary liquor permittee is not entitled to sell at wholesale or for carry-out from the licensed premises.**

SECTION 14. IC 7.1-3-12-5, AS AMENDED BY P.L.186-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5. (a) The holder of a farm winery permit:**

- (1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;
- (2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:
 - (A) holds an employee permit under IC 7.1-3-18-9; and
 - (B) completes a server training program approved by the



- 1 commission;
- 2 (3) is entitled to sell the winery's wine on the licensed premises to
- 3 consumers either by the glass, or by the bottle, or both;
- 4 (4) is entitled to sell the winery's wine to consumers by the bottle
- 5 at a farmers' market that is operated on a nonprofit basis;
- 6 (5) is entitled to sell wine by the bottle or by the case to a person
- 7 who is the holder of a permit to sell wine at wholesale;
- 8 (6) is exempt from the provisions of IC 7.1-3-14;
- 9 (7) is entitled to advertise the name and address of any retailer or
- 10 dealer who sells wine produced by the permit holder's winery;
- 11 (8) for wine described in IC 7.1-1-2-3(a)(4):
- 12 (A) may allow transportation to and consumption of the wine
- 13 on the licensed premises; and
- 14 (B) may not sell, offer to sell, or allow the sale of the wine on
- 15 the licensed premises;
- 16 (9) is entitled to purchase and sell bulk wine as set forth in this
- 17 chapter;
- 18 (10) is entitled to sell wine as authorized by this section for
- 19 carryout on Sunday; and
- 20 (11) is entitled to sell and ship the farm winery's wine to a person
- 21 located in another state in accordance with the laws of the other
- 22 state.
- 23 (b) With the approval of the commission, a holder of a permit under
- 24 this chapter may conduct business at not more than three (3) additional
- 25 locations that are separate from the winery. At the additional locations,
- 26 the holder of a permit may conduct any business that is authorized at
- 27 the first location, except for the manufacturing or bottling of wine.
- 28 (c) With the approval of the commission, a holder of a permit under
- 29 this chapter may, individually or with other permit holders under this
- 30 chapter, **including the holder of:**
- 31 **(1) an artisan distiller's permit; and**
- 32 **(2) a brewer's permit who manufactures not more than ninety**
- 33 **thousand (90,000) barrels of beer in a calendar year for sale**
- 34 **or distribution within Indiana;**
- 35 participate in a trade show or an exposition at which products of each
- 36 permit holder participant are displayed, promoted, and sold. The
- 37 commission may not grant approval under this subsection to a holder
- 38 of a permit under this chapter for more than forty-five (45) days in a
- 39 calendar year.
- 40 SECTION 15. IC 7.1-3-16-6 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. ~~Persons Eligible for~~
- 42 ~~Permits.~~ The commission may issue a temporary wine permit to a



1 person who is qualified to hold a beer retailer's permit and who has
 2 such other qualifications as the commission may prescribe by a
 3 provisional order until it adopts a rule or regulation on the matter.
 4 However, the special disqualifications listed in ~~IC 1971, 7.1-3-4-2(c),~~
 5 ~~(h); and (m);~~ **IC 7.1-3-4-2(a)(3), IC 7.1-3-4-2(a)(8), and**
 6 **IC 7.1-3-4-2(a)(13)**, and the residency requirements provided in
 7 ~~IC 1971, IC 7.1-3-21-3~~, shall not apply to an applicant for a temporary
 8 wine permit.

9 SECTION 16. IC 7.1-3-18.5-5, AS AMENDED BY P.L.94-2008,
 10 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2016]: Sec. 5. (a) Subject to subsection (b), the commission
 12 may suspend the certificate of a person who fails to pay a civil penalty
 13 imposed for violating IC 35-46-1-10, IC 35-46-1-10.2, **IC 35-46-1-11,**
 14 **IC 35-46-1-11.2,** IC 35-46-1-11.5, ~~or~~ IC 35-46-1-11.7, **or**
 15 **IC 35-46-1-11.8.**

16 (b) Before enforcing the imposition of a civil penalty or suspending
 17 or revoking a certificate under this chapter, the commission shall
 18 provide written notice of the alleged violation to the certificate holder
 19 and conduct a hearing. The commission shall provide written notice of
 20 the civil penalty or suspension or revocation of a certificate to the
 21 certificate holder.

22 (c) Subject to subsection (b), the commission shall revoke the
 23 certificate of a person upon a finding by a preponderance of the
 24 evidence that the person:

- 25 (1) has violated IC 35-45-5-3, IC 35-45-5-3.5, ~~or~~ IC 35-45-5-4,
- 26 **IC 35-46-1-11, IC 35-46-1-11.2, or IC 35-46-1-11.8;**
- 27 (2) has committed habitual illegal sale of tobacco as established
- 28 under IC 35-46-1-10.2(h); or
- 29 (3) has committed habitual illegal entrance by a minor as
- 30 established under IC 35-46-1-11.7(f).

31 SECTION 17. IC 7.1-3-18.5-6, AS AMENDED BY P.L.231-2015,
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2016]: Sec. 6. (a) If a certificate has:

- 34 (1) expired; or
- 35 (2) been suspended;

36 the commission may not reinstate or renew the certificate until all civil
 37 penalties imposed against the certificate holder for violating
 38 IC 35-46-1-10, IC 35-46-1-10.2, **IC 35-46-1-11, IC 35-46-1-11.2,**
 39 **IC 35-46-1-11.5, or** IC 35-46-1-11.7, **or IC 35-46-1-11.8** have been
 40 paid.

41 (b) The failure to pay a civil penalty described in subsection (a) is
 42 a Class B infraction.



(c) If a certificate has been revoked, the commission may not reinstate or renew the certificate for at least one hundred eighty (180) days after the date of revocation. The commission may reinstate or renew the certificate only upon a reasonable showing by the applicant that the applicant shall:

(1) exercise due diligence in the sale of tobacco products or electronic cigarettes on the applicant's premises where the tobacco products or electronic cigarettes are sold or distributed; and

(2) properly supervise and train the applicant's employees or agents in the handling and sale of tobacco products or electronic cigarettes.

If a certificate is reinstated or renewed, the applicant of the certificate shall pay an application fee of one thousand dollars (\$1,000).

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

SECTION 18. IC 7.1-3-18.5-8, AS AMENDED BY P.L.231-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The commission may mitigate civil penalties imposed against a certificate holder for violating IC 35-46-1-10, IC 35-46-1-10.2, **IC 35-46-1-11, IC 35-46-1-11.2**, IC 35-46-1-11.5, IC 35-46-1-11.7, **IC 35-46-1-11.8**, or any of the provisions of this chapter if a certificate holder provides a training program for the certificate holder's employees that includes at least the following topics:

(1) Laws governing the sale of tobacco products and electronic cigarettes.

(2) Methods of recognizing and handling customers who are less than eighteen (18) years of age.

(3) Procedures for proper examination of identification cards to verify that customers are under eighteen (18) years of age.

SECTION 19. IC 7.1-3-18.5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11. If a certificate holder sells or distributes tobacco products or electronic cigarettes at a location:**

(1) determined to be a public nuisance; or

(2) at which conduct or acts that are crimes or infractions under IC 35 occur;

the commission may impose sanctions against the certificate holder under IC 7.1-2-3-33 and section 5 of this chapter.

SECTION 20. IC 7.1-3-20-18 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) In order to be
 2 considered a "hotel" within the meaning of this title and to be eligible
 3 to receive an appropriate hotel permit under this title, an establishment
 4 shall meet the following requirements:

5 (1) It shall be provided with special space and accommodations
 6 where, in consideration of payment, food and lodging are
 7 habitually furnished to travelers.

8 (2) It shall have at least twenty-five (25), adequately furnished
 9 and completely separate sleeping rooms with adequate facilities:

10 (A) under one (1) continuous roof; or

11 **(B) under separate roofs if:**

12 **(i) each sleeping room is on the same parcel of land or**
 13 **contiguous parcels of land as the main building in which**
 14 **a room described in subdivision (4) is operated; and**

15 **(ii) the main building and sleeping rooms are operated**
 16 **by one (1) person, or under one (1) management.**

17 (3) It shall be so disposed that persons usually apply for and
 18 receive overnight accommodations in it in the course of usual and
 19 regular travel or as a residence.

20 (4) It shall operate either a:

21 (A) regular dining room constantly frequented by customers
 22 each day; or

23 (B) room in which continental breakfasts and hors d'oeuvres
 24 are served in areas designated as dining rooms.

25 (b) This subsection applies to a hotel that qualifies under subsection
 26 (a)(4)(B). All laws and commission rules regarding legal serving for
 27 alcoholic beverages fully apply to the hotel. Rooms that qualify under
 28 subsection (a)(4)(B) qualify as rooms under IC 7.1-5-7-11(a)(16). The
 29 commission may adopt rules under IC 4-22-2 concerning floor plans of
 30 the hotel.

31 SECTION 21. IC 7.1-3-20-18.5 IS ADDED TO THE INDIANA
 32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2016]: **Sec. 18.5. (a) If the commission issues**
 34 **a hotel permit for a hotel that meets the requirements of section**
 35 **18(a)(2)(B) of this chapter, the holder of the hotel permit shall**
 36 **submit a floor plan or design to the commission of the premises**
 37 **where alcoholic beverages will be served and consumed, including**
 38 **any sleeping rooms of the hotel.**

39 **(b) If the commission approves a floor plan or design described**
 40 **in subsection (a), the holder of the hotel permit may serve alcoholic**
 41 **beverages, as provided under the permit, to any building included**
 42 **in the floor plan or design.**



1 SECTION 22. IC 7.1-3-20-18.7 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2016]: **Sec. 18.7. (a) This section applies to**
 4 **the premises of a hotel that is owned by an accredited college or**
 5 **university (as described in IC 24-4-11-2).**

6 **(b) Subject to subsection (c), the holder of a retailer permit that**
 7 **is issued for the premises of a hotel may sell or dispense, for on**
 8 **premise consumption only, alcoholic beverages, for which the**
 9 **permittee holds the appropriate permit, from a:**

10 **(1) nonpermanent bar located on an outside patio or terrace;**

11 **or**

12 **(2) service window located on the licensed premises that opens**
 13 **to an outside patio or terrace;**

14 **that is contiguous to the main building of the licensed premises of**
 15 **the hotel.**

16 **(c) The holder of a retailer permit that is issued for the premises**
 17 **of a hotel may sell or dispense alcoholic beverages as provided**
 18 **under subsection (b) only if all the following conditions are met:**

19 **(1) The patio or terrace area described in subsection (b) is:**

20 **(A) part of the licensed premises; and**

21 **(B) clearly delineated and completely enclosed on all sides**
 22 **by a fence, rail, wall, or hedge that is at least four (4) feet**
 23 **in height.**

24 **(2) Access to the nonpermanent bar or service window is**
 25 **limited by a barrier that reasonably deters free access by**
 26 **minors to the bar or window.**

27 **(3) A conspicuous sign is posted by the barrier described in**
 28 **subdivision (2) that states that minors are not allowed to cross**
 29 **the barrier to enter the area near the nonpermanent bar or**
 30 **service window.**

31 SECTION 23. IC 7.1-3-27-8, AS AMENDED BY P.L.159-2014,
 32 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2016]: **Sec. 8. (a) The holder of an artisan distiller's permit**
 34 **may do only the following:**

35 **(1) Manufacture liquor, including blending liquor purchased from**
 36 **another manufacturer with liquor the artisan distiller**
 37 **manufactures under section 11 of this chapter.**

38 **(2) Bottle liquor manufactured by the artisan distiller.**

39 **(3) Store liquor manufactured by the artisan distiller.**

40 **(4) Transport, sell, and deliver liquor manufactured by the artisan**
 41 **distiller to:**

42 **(A) places outside Indiana; or**



(B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.

(5) Sell liquor manufactured by the artisan distiller to consumers by the drink, bottle, or case from the premises of the distillery where the liquor was manufactured.

(6) Serve complimentary samples of the liquor manufactured by the artisan distiller to consumers on the premises of the distillery where the liquor was manufactured.

(7) With the approval of the commission, participate:

(A) individually; or

(B) with other permit holders under this chapter, including the holder of a:

(i) farm winery permit; and

(ii) brewer's permit who manufactures not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana;

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(b) The holder of an artisan distiller's permit who provides samples or sells liquor by the glass must furnish the minimum food requirements prescribed by the commission.

(c) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 24. IC 7.1-4-4.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This section applies to the following permits:

(1) Temporary beer permit.

(2) Temporary wine permit.

(3) Temporary liquor permit.

(b) **Except as provided in subsection (d),** a license fee for a temporary permit is the greater of the following:

(1) Two dollars (\$2) per day of operation.

(2) The amount per day set by the commission under subsection

(c).

(c) Subject to any rates or schedules adopted by the commission, the commission may set a higher daily rate for a temporary beer permit under subsection (b)(2) if, in the judgment of the commission, the number of persons likely to be accommodated, or any other facts bearing on the value of the permit warrant the increase. However,



1 **except as provided under subsection (d),** the fee may not exceed one
 2 thousand dollars (\$1,000) per day.

3 **(d) A license fee for a temporary permit issued under**
 4 **IC 7.1-3-6-3.8 is two thousand five hundred dollars (\$2,500).**

5 SECTION 25. IC 7.1-4-7-1, AS AMENDED BY P.L.109-2013,
 6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2016]: Sec. 1. The chairman shall collect the required annual
 8 license fee paid in connection with the issuance of a brewer's permit,
 9 a beer wholesaler's permit, a temporary beer permit, a dining car permit
 10 of any type, a boat permit of any type, an artisan distiller's permit, a
 11 distiller's permit, a rectifier's permit, a liquor wholesaler's permit, **a**
 12 **temporary liquor permit**, a vintner's permit, a farm winery permit, a
 13 farm winery brandy distiller's permit, a wine wholesaler's permit, a
 14 wine bottler's permit, a temporary wine permit, a direct wine seller's
 15 permit, a salesman's permit, and a carrier's alcoholic permit.

16 SECTION 26. IC 7.1-5-3-4, AS AMENDED BY P.L.79-2015,
 17 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2016]: Sec. 4. (a) This section does not apply to the following:

19 (1) The necessary refilling of a container by a person holding a
 20 permit that authorizes the person to manufacture, rectify, or bottle
 21 liquor.

22 (2) An establishment where alcoholic beverages are sold that is
 23 owned, in whole or part, by an entity that holds a brewer's permit
 24 issued under IC 7.1-3-2-2(b).

25 (3) An establishment where alcoholic beverages are sold that is
 26 owned, in whole or part, by a statewide trade organization
 27 consisting of members, each of whom holds a brewer's permit
 28 issued under IC 7.1-3-2-2(b).

29 (4) The refilling of a bottle or container or possession of a refilled
 30 bottle or container if the refilling or possession is not for resale or
 31 another commercial purpose.

32 **(5) The refilling of a bottle or container with a product from**
 33 **a farm winery in an establishment in which alcoholic**
 34 **beverages are sold that is owned, in whole or in part, by a**
 35 **farm winery with the appropriate permit issued under this**
 36 **title.**

37 (b) Except as provided in section 6 of this chapter, it is unlawful for
 38 a person to:

39 (1) refill a bottle or container, in whole or in part, with an
 40 alcoholic beverage; or

41 (2) knowingly possess a bottle or container that has been refilled,
 42 in whole or in part, with an alcoholic beverage;



1 after the container of liquor has been emptied in whole or in part.

2 (c) A person who knowingly or intentionally violates subsection (a)
3 or (b) commits a Class B misdemeanor.

4 SECTION 27. IC 7.1-5-7-4.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) As used in this section,
7 "ID card" means any of the following:

8 (1) A driver's license.

9 (2) A photographic identification card issued under
10 IC 9-24-16-1 or a similar card issued under the laws of
11 another state or the federal government.

12 (3) A government issued document bearing an individual's
13 photograph.

14 (b) As used in this section, "permittee" means a person who
15 holds a valid permit under this title, including an employee of a
16 permittee.

17 (c) A permittee may retain an ID card that was provided to the
18 permittee by a person as proof of age for making a purchase of an
19 alcoholic beverage, if the permittee has:

20 (1) received alcohol server training under IC 7.1-3-1.5; and

21 (2) a reasonable belief that the ID card:

22 (A) has been altered or falsified; or

23 (B) was not issued to the person who provided the ID card
24 to the permittee.

25 (d) If the permittee retains an ID card, the permittee shall do the
26 following:

27 (1) Issue a receipt to the person who provided the ID card.
28 The receipt must state the date and the hour that the
29 permittee retained the ID card.

30 (2) Not later than twenty-four (24) hours after the ID card is
31 retained, provide:

32 (A) the ID card; and

33 (B) a written statement of the facts and circumstances
34 surrounding the permittee's retention of the ID card;
35 to a state or local law enforcement agency that has
36 jurisdiction where the permit premises is located.

37 (e) If the law enforcement agency does not:

38 (1) initiate an investigation; or

39 (2) find that probable cause exists;

40 as to any violation of section 1, 3, or 4 of this chapter, the law
41 enforcement agency shall release the ID card to the person who
42 was issued the ID card.



1 **(f) A permittee is not subject to criminal liability or civil liability**
 2 **for retention of an ID card in accordance with this section.**

3 **(g) A permittee is not immune from civil or criminal liability for**
 4 **using force against a person in order to obtain an ID card.**

5 SECTION 28. IC 34-30-2-20.8 IS ADDED TO THE INDIANA
 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2016]: **Sec. 20.8. IC 7.1-5-7-4.5 (Concerning**
 8 **an alcoholic beverage permittee or employee of a permittee who**
 9 **retains a person's identification card).**

10 SECTION 29. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1386, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 2. IC 7.1-3-2-7, AS AMENDED BY P.L.144-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may do the following:
 - (A) Sell and deliver a total of not more than thirty thousand (30,000) barrels of beer in a calendar year to a person holding a retailer or a dealer permit under this title. The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.
 - (B) Be the proprietor of a restaurant.
 - (C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).
 - (D) Transfer beer directly from the brewery to the restaurant by means of:
 - (i) bulk containers; or
 - (ii) a continuous flow system.
 - (E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.
 - (F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.
 - (G) Sell the brewery's beer by the glass for consumption on the



premises. Brewers permitted to sell beer by the glass under this clause must make food available for consumption on the premises. A brewer may comply with the requirements of this clause by doing any of the following:

- (i) Allowing a vehicle of transportation that is a food establishment (as defined in IC 16-18-2-137) to serve food near the brewer's licensed premises.
- (ii) Placing menus in the brewer's premises of restaurants that will deliver food to the brewery.
- (iii) Providing food prepared at the brewery.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

(J) With the approval of the commission, participate:

- (i) individually; or
- (ii) with other permit holders under this chapter, **including the holder of an artisan distiller's permit and the holder of a farm winery permit;**

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(K) Store or condition beer in a secure building that is:

- (i) separate from the brewery; and
- (ii) owned or leased by the permit holder.

A brewer may not sell or transfer beer directly to a permittee or consumer from a building described in this clause.

(6) If the brewer's brewery manufactures more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:



- (A) is located in the same county as the brewer's brewery;
- (B) manufactures less than ninety thousand (90,000) barrels of beer in a calendar year; and
- (C) is the proprietor of a restaurant that operates under subdivision (5).
- (7) Provide complimentary samples of beer that are:
 - (A) produced by the brewer; and
 - (B) offered to consumers for consumption on the brewer's premises.
- (8) Own a portion of the corporate stock of a sports corporation that:
 - (A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
 - (B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.
- (9) For beer described in IC 7.1-1-2-3(a)(4):
 - (A) may allow transportation to and consumption of the beer on the licensed premises; and
 - (B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 3. IC 7.1-3-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The holder of a beer dealer's permit shall be entitled to purchase beer for sale under the permit only from a permittee entitled to sell to a beer dealer under this title.

(b) A beer dealer shall be entitled to possess beer and sell it at retail to a customer in permissible containers only.

(c) A beer dealer may not sell beer by the drink nor for consumption on the licensed premises nor shall a beer dealer allow it to be consumed on the licensed premises.

(d) Except as provided in subsection (e), a beer dealer shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's residence or office. A beer dealer shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises; nor shall a beer dealer be entitled to sell beer at a place other than the licensed premises. A beer dealer shall not be entitled to sell beer and deliver beer for carry-out, or for delivery to a customer's residence or office, in a quantity that exceeds eight hundred sixty-four (864) ounces in a single transaction. However, notwithstanding IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer for carry-out, or



for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(e) Unless a beer dealer is a grocery store or drug store, a beer dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a patron who is outside the licensed premises."

Page 5, between lines 26 and 27, begin a new paragraph and insert:

"(e) Any person who sells or furnishes liquor under a temporary liquor permit issued under this section:

(1) shall have an employee permit under IC 7.1-3-18-9 that authorizes the person to perform bartending duties;

(2) shall have completed any alcohol server program or alcohol server training program refresher courses required under IC 7.1-3-1.5; and

(3) may not have any violations under this title."

Page 6, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 15. IC 7.1-3-12-5, AS AMENDED BY P.L.186-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The holder of a farm winery permit:

(1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;

(2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:

(A) holds an employee permit under IC 7.1-3-18-9; and

(B) completes a server training program approved by the commission;

(3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;

(4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;

(5) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at wholesale;



- (6) is exempt from the provisions of IC 7.1-3-14;
- (7) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;
- (8) for wine described in IC 7.1-1-2-3(a)(4):
 - (A) may allow transportation to and consumption of the wine on the licensed premises; and
 - (B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;
- (9) is entitled to purchase and sell bulk wine as set forth in this chapter;
- (10) is entitled to sell wine as authorized by this section for carryout on Sunday; and
- (11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may, individually or with other permit holders under this chapter, **including the holder of:**

- (1) an artisan distiller's permit; and**
- (2) a brewer's permit who manufactures not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana;**

participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than forty-five (45) days in a calendar year."

Page 10, line 29, delete "chapter;" and insert "**chapter, including the holder of a:**

- (1) farm winery permit; and**
- (2) brewer's permit who manufactures not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana."**

Page 12, line 4, delete "hard cider" and insert "**a product from a farm winery**".

Page 12, line 6, delete "an entity that manufactures".

Page 12, line 7, delete "hard cider under" and insert "**a farm winery**".



with".

Page 13, delete lines 19 through 42.

Page 14, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1386 as introduced.)

DERMODY

Committee Vote: yeas 12, nays 0.

